

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 10, 2002**

AGENDA ITEM NO.: **15**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – St. Thomas More**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: St. Thomas More is petitioning for a Conditional Use Permit at 3015 Roundelay Road for the construction of a sanctuary, columbarium and associated parking in an R-1, Single-Family Residential district. The Planning Division (PD) recommended approval of the CUP because:

- Petition agrees with the General Plan, in that churches and their associated uses are permitted in residential districts.
- Petition agrees with the Zoning Ordinance in that a church is a permitted use in a residential district upon approval of a CUP by the City Council.
- Petition proposes the expansion of existing church facilities with adequate protection of surrounding properties.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

June 19, 2002: Planning Division recommended approval of the CUP.

Planning Commission recommended approval (5-0, with one member absent and one member abstaining) of the CUP with the following conditions:

1. The property will be developed in compliance with the site plan dated June 24, 2002 and revised July 31, 2002.
2. All lighting will be non directional and glare shielded as to prevent direct illumination across the property lines.
3. Limits of clearing will be clearly marked on the property and inspected by City Staff prior to the start of construction.
4. The petitioner will partner with the City of Lynchburg in placing "traffic calming" measures as determined by
5. A subdivision plat vacating the interior lot line will be submitted and recorded.
6. Any future expansion of the church facilities will required a master plan to be submitted and approved by the City Council.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253

Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Site plan

REVIEWED BY:

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ST. THOMAS MORE TO ALLOW CONSTRUCTION OF A SANCTUARY, COLUMBARIUM AND PARKING AT 3015 RHONDELAY ROAD, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of St. Thomas More for a Conditional Use Permit to allow construction of a sanctuary, columbarium and associated parking be, and the same is hereby, approved, subject to the following conditions:

1. The property will be developed in compliance with the site plan dated June 24, 2002 and revised July 31, 2002.
2. All lighting will be non directional and glare shielded as to prevent direct illumination across the property lines.
3. Limits of clearing will be clearly marked on the property and inspected by City Staff prior to the start of construction.
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5. A subdivision plat vacating the interior lot line will be submitted and recorded.
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Adopted:

Certified:

Clerk of Council

181L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504

434-847-1508

To: Planning Commission
From: Planning Division
Date: August 21, 2002
Re: **CONDITIONAL USE PERMIT (CUP): 3015 Roundelay Road**

I. PETITIONER

St. Thomas More, 3015 Roundelay Road, Lynchburg, VA 24502.

Representative: Ms. Tracey Norvelle, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of about 19.58 acres located at 3015 Roundelay Road.

Property Owner: Walter F. Sullivan, The Most Reverend, 811 Cathedral Place, Richmond, VA 23220

III. PURPOSE

The purpose of this petition is to allow the construction of a sanctuary, columbarium and associated parking in an R-1, Single-Family residential district.

IV. SUMMARY

- Petition agrees with the General Plan, in that churches and its associated uses are permitted in residential districts.
- Petition agrees with the Zoning Ordinance in that a church is a permitted use in a residential district upon approval of a CUP by the City Council.
- Petition proposes the expansion of existing church facilities.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **General Plan.** The Lynchburg *General Plan* recommends a Major Private Institutional use for the subject property. Residential Development, Objective 1, states that "the best possible living environment in residential areas" should be sought. "Residential neighborhoods should be attractive, safe, and health with sound housing and open space, a minimum of through traffic, and lacking such environmental hazards as inadequate waste treatment and air pollution. Residential support activities such as limited shopping, schools, and churches should be located within easy access of residential areas.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Single-Family residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed church or parking additions.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area.
 - On November 13, 1979 the City Council approved the CUP petition of St. Thomas More, for the construction a new church at 3015 Roundelay Road.
 - On February 14, 1989 the City Council adopted the Commercial Corridor overlay district.
 - On November 13, 1990 the City Council approved the CUP petition of St. Thomas More, for the construction an educational wing and parking at 3015 Roundelay Road.
 - On April 09, 2002 the City Council approved the rezoning petition of Lynchburg Computer Systems from B- Limited Business to B-3C, Community Business (Conditional) at 7605 Timberlake Road.
5. **Site Description.** The subject property is bounded to the north and east by vacant land and to the south and west by single-family residential uses. The subject property is an adequately landscaped masonry church facility located on about 19.58 acres. The vast majority of the subject property is heavily wooded.

6. **Proposed Use of Property.** The purpose of the CUP is to allow the construction of a new sanctuary, columbarium and associated parking in an R-1, Single-Family residential district.
7. **Traffic & Parking.** The City Traffic Engineer's primary comment of concern is regarding increased traffic in the surrounding residential neighborhoods. When the existing church was constructed in the early 1980's, Roundelay Road (off Timberlake Road) was the only means of access to the property. This road is narrow, measuring nineteen (19) to twenty (20) feet in pavement area and runs through a well-established residential neighborhood. The other means of access to the property is via Willow Bend Drive (off Old Graves Mill Road) and Smoketree Lane. These streets which were constructed in the mid to late 1990's also run through residential neighborhoods, but were constructed to the current City standard of thirty-one (31) feet in pavement width.

Information submitted by the petitioner indicates that the church currently has 2200 members. The church holds one Saturday liturgy with an average attendance of 250 people. The church holds three (3) separate services on Sunday with an average attendance of 450 people each. Other organizations such as the Girl Scouts and other smaller services are held during the week. Choir practice is held on Thursday.

The City Traffic Engineer conducted traffic counts during the period of August 2 to August 8. Traffic counting devices were placed in two locations on Roundelay Road. Counter number three (3) was placed in an effort to capture data on vehicles traveling to and from Timberlake Road, while Counter number four (4) was placed to capture data on vehicles traveling to and from Smoketree Lane. (*See attachment Traffic 1*) The traffic data collected clearly indicates an increase in traffic volumes during times of activity at the church. This increase is most notable in the amount of traffic traveling to and from Timberlake Road on Sunday. This increase of traffic volumes is a result of Sunday services. Another significant increase in traffic occurs on Thursday, which could be attributed to church choir practice. (*See attachment Traffic 2*)

The posted speed limit for Roundelay Road is 25 mph. The data collected shows that the *median* speed for vehicles on Roundelay Road is 25 mph for traffic traveling from Timberlake Road and 28 mph for vehicles traveling towards Timberlake Road. This median speed indicates that while half the vehicles using this portion of Roundelay Road are traveling the speed limit, the other half are exceeding it. The data further indicates by looking at the 85th and 95th percentiles for speed, the limit is being exceeded by 5 to 9 mph.

It is the recommendation of the City's Traffic Engineer that "traffic calming" measures be put in place, in particular on Roundelay Road. These measures would most likely be in the form of "chokers" that would further narrow pavement widths to facilitate slower traffic speeds. It is the recommendation of the Planning Division that these "chokers" have landscaping in the form of street trees incorporated. The City's Urban Forester has agreed to maintain these trees if planted. Early warning devices in the form of signs should also be placed. The traffic calming measures would be a cooperative effort between the City and the petitioner and could possibly be constructed on a cost-sharing basis.

8. **Storm Water Management.** A storm water management plan will be required for the construction, because disturbed areas will exceed 1,000 square feet. The church has ample property to install stormwater measures, and according to the representative for the petitioner these will most likely be in the form of a detention pond at the rear of the property.
9. **Impact.** The current submittal proposes the construction of a new sanctuary, columbarium and associated parking on property currently owned by the church. Of primary concern to the Planning Division is the location of the proposed parking area in relation to the adjacent "Willow Bend" subdivision. The originally submitted site plan proposed this parking to be within forty (40) feet of the property line at its closest point. At the request of the Planning Division, the petitioner relocated the proposed parking to minimize disturbed areas and impact on the adjacent residential properties. The proposed parking is now indicated to be eighty-six (86) feet from the property line at its closest point. The increased setback for the parking and the required evergreen buffer should minimize any adverse impacts on the adjacent residential area. According to the representative for the developer, a neighborhood meeting was held with approximately twelve (12) people in attendance, with no major concerns being expressed.

The new sanctuary is proposed to be 12,000 square feet with two (2) future additions proposed. The existing sanctuary will be converted to a fellowship hall. The Fire Marshal and Inspections Division have indicated that if the building additions exceed 12,000 square feet a sprinkler system will have to be installed. A fire rated wall must also be installed between the proposed and existing building or the entire structure must have a sprinkler system. At least one (1) fire hydrant will be required on the property for fire protection purposes.

The proposed columbarium will be between the proposed parking and the proposed sanctuary and should have a minimal impact on the property.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on July 23. Comments related to the proposed additions were minor in nature and have or will be addressed by the developer prior to final site plan approval.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of St. Thomas More for a conditional use permit at 3015 Roundelay Road for the construction of a sanctuary, columbarium and associated parking in an R-1, Single-Family Residential District, subject to the following conditions.

1. The property will be developed in compliance with the site plan dated June 24, 2002 and revised July 31, 2002.
2. All lighting will be non directional and glare shielded as to prevent direct illumination across the property lines.
3. Limits of clearing will be clearly marked on the property and inspected by City staff prior to the start of construction.
4. The petitioner will partner with the City of Lynchburg in placing "traffic calming" measures as determined by the City's Traffic Engineer and City Planner.
5. A subdivision plat vacating the interior lot line will be submitted and recorded.
6. Any future expansion of the church facilities will require a master plan to be submitted and approved by the City Council.

This matter is respectfully offered for your consideration.

William T. Martin
Planner III

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Ms. Judith C. Wiegand, Strategic Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Tracey Norvelle, Petitioner/Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

4. Traffic Counter Locations

(see attached map)

5. Traffic Counts

(see attached graph)

MINUTES FROM THE AUGUST 21 PLANNING COMMISSION MEETING

The Planning Commission has not reviewed or approved these minutes

Petition of St. Thomas More Church for a Conditional Use Permit at 3015 Roundelay Road for the construction of a sanctuary, columbarium and associated parking in an R-1, Single-Family Residential District.

Mr. Martin explained to the Commissioners that this plan was the second version that the petitioner submitted due to the location of the parking area. He said the first draft located the parking area closer to the houses along Smoketree Lane and the petitioner was willing to move it further away from the neighbors at the suggestion of the Planning Division. He continued by saying that the City Traffic Division conducted traffic counts for a period of seven days on Roundelay Drive at the crest of the hill and at the section near Smoketree Lane. He said the count showed the heaviest travel times were around the hours of church services on Sunday and the hours of choir practice on Thursday. He noted that the Traffic Engineer and the Planning Division recommended traffic calming techniques in the form of chokers on Roundelay Road. He said the speed limit on that road was 25 mph as is the median speed.

Ms. Tracey Norvelle, Hurt & Proffitt, Inc., and Mr. Joe Slocum, co-chair of the Building Facility Task Force, represented the petitioner. Ms. Norvelle said the project consisted of constructing additional parking, constructing an addition to the sanctuary, and constructing a columbarium. She said they had met the setbacks, were in compliance with the City Code, and did not need any variances. She said in comments from the TRC meeting the City was concerned with the number of trees being removed from the site and the closeness of the parking lot to the neighborhood. She said that even though the church met the required setbacks, they were asked to move the setbacks further away from the neighborhood, which they agreed to do.

Mr. Slocum added that the church had held two neighborhood meetings, one in July 2000 and again in August 2002. He said they send letters to homeowners in the neighborhood notifying them of the meetings, and only three families attended the second meeting. He said all of the comments they received had been favorable with the exception of comments concerning drivers speeding on Roundelay Road. He said he thought the speeding was decreasing as the clergy of the Church mentioned it every Sunday. He said one family was concerned because when the housing development was being constructed this family noticed a crack develop in their foundation, which they attributed to the use of heavy equipment. Mr. Slocum said he did not anticipate there being any problems like that associated with the Church's project, as he did not think there would be much heavy equipment used.

Chair Dahlgren asked if they had thought about installing Grasspave instead of pavement? He asked if the number of services per Sunday would be reduced with the addition to the sanctuary?

Ms. Norvelle said Grasspave was very expensive and had problems associated with it. She said the required landscape islands added a lot to soften the pavement.

Mr. Slocum said they were not planning to reduce the number of services per Sunday. He said they had 125 people who could not currently fit into the sanctuary for services. He said the membership of their church would probably not increase; however, with the addition, the sanctuary would be able to accommodate the members they already have.

Commissioner Moore asked who made the decision for the City to plant trees for this project, and how would the trees be maintained. He asked with the City losing tax revenue what the monetary impact would be, and added that numerous small projects like this would add up. He noted that eventually the City would be faced with the problem of maintaining these small expenses.

Mr. Martin said the cost of the installation of the chokers was approximately \$3,000, and the Traffic Engineer and the City Engineer would make the decision on how much of that amount the Church would fund. He said it would be more than the share of the City's cost. He continued by saying that the City would water the trees for the first year. After that, he said, the only cost associated would be a periodic pruning. Mr. Martin added that

the cost of these trees was a very small portion of the Public Service budget. He said the City could require the Church to maintain the trees, but they will be located in the City right-of-way and there were legal issues that would have to be worked out if the Church took over the care of the trees.

Commissioner Wilkins thought the trees would look nice and would benefit the entire neighborhood.

After further discussion, Commissioner Wilkins made the following motion, which was seconded by Commissioner Moore and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of St. Thomas More for a conditional use permit at 3015 Roundelay Road for the construction of a sanctuary, columbarium and associated parking in an R-1, Single-Family Residential District, subject to the following conditions.

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5. A subdivision plat vacating the interior lot line will be submitted and recorded.
6. Any future expansion of the church facilities will require a master plan to be submitted and approved by the City Council."

AYES:	Dahlgren, Flint, Moore, Wilkins, Worthington	5
NOES:		0
ABSTENTIONS:	Echols	1

ST. THOMAS MORE CHURCH

3015 Roundelay Road
Val. Map # 249-02-022,040
Conditional Use Permit Request
Petitioner: ST. THOMAS MORE CHURCH

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property

200 ft Radius

